

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Mohamed A.,

Case No. 19-2211 (MJD/BRT)

Petitioner,

v.

ORDER

William P. Barr, Kevin McAleenan,
Thomas Homan, Peter Berg, and Kurt
Freitag,

Respondents.

IT IS HEREBY ORDERED THAT:

1. Respondents are directed to file an answer to the Petition for Writ of Habeas Corpus of Petitioner Mohamed A. (Doc. No. 1) within 20 days of the date of this order certifying the true cause and proper duration of Petitioner's confinement and showing cause why the writ should not be granted in this case.

2. Respondents' answer should include:

- a. Such affidavits and exhibits as are needed to establish the lawfulness and correct duration of Petitioner's incarceration, in light of the issues raised in the petition;
- b. A reasoned memorandum of law and fact fully stating Respondents' legal position on Petitioner's claims; and

c. Respondents' recommendation on whether an evidentiary hearing should be conducted in this matter.

3. If Petitioner wishes to file a reply to Respondents' answer, he must do so within 20 days of the date when the answer is filed. Thereafter, no further submissions from either party will be permitted, except as authorized by Court order.

4. Petitioner's application to proceed *in forma pauperis* (Doc. No. 2) is GRANTED.

5. Petitioner's motion for the appointment of counsel (Doc. No. 3) is DENIED without prejudice. "A pro se litigant has no statutory or constitutional right to have counsel appointed in a civil case." *Stevens v. Redwing*, 146 F.3d 538, 546 (8th Cir. 1998) (citing *Wiggins v. Sargent*, 753 F.2d 663, 668 (8th Cir. 1985)); *see also In re Lane*, 801 F.2d 1040, 1042 (8th Cir. 1986) ("The decision to appoint counsel in civil cases is committed to the discretion of the district court.") (citing *Nelson v. Redfield Lithograph Printing*, 728 F.2d 1003, 1004 (8th Cir. 1984)). Review of the Petition suggests this case is not significantly more complicated than other immigration-related matters filed in this Court. Given this, and Petitioner's submissions advocating on his behalf, appointment of counsel does not appear warranted at this time.

Dated: August 26, 2019

s/ Becky R. Thorson
BECKY R. THORSON
United States Magistrate Judge